

## **REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner objects to the Drawings and requests that reference numeral "24" in Figure 1 be changed to --22--. In response, Applicants could find no reference numeral "24" in Figure 1 nor any reference numeral "22" mentioned in the specification. Accordingly, it is respectfully requested that the objection to the drawings be withdrawn.

In the Official Action, the Examiner objects to the specification because "q" at line 13 of page 3 should be --a--. In response, the specification has been amended as suggested by the Examiner. Accordingly, it is respectfully requested that the objection to the specification be withdrawn.

In the Official Action, the Examiner objects to claims 8, 10 and 11 for the reasons set forth in paragraph 3 of the Official Action. In response, claims 10 and 11 have been amended as suggested by the Examiner. With regard to claim 8, although Applicants respectfully submit that the phrase "at least one" is proper, to avoid confusion with respect to the term "at", the same has been amended to recite that the first data is received from the transmitter at one or more of a first timing, modulation, and frequency, the first data containing information regarding at least one of a second timing, modulation, and frequency for a subsequent transmission. Accordingly, it is respectfully requested that the objection to claims 8, 10 and 11 be withdrawn.

In the Official Action, the Examiner rejects claims 1-9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,198,764 to Schuermann et al., (hereinafter "Schuermann"). Furthermore, the Examiner rejects claims 10 and 11 under 35 U.S.C. § 103(a)

as being unpatentable over Schuermann in view of U.S. Patent No. 6,192,070 to Poon et al., (hereinafter "Poon").

In response, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 102(b) and 103(a) for at least the reasons set forth below.

Turning now to the prior art, the same discloses the use of a pseudo noise (PN) code sequence to the signal being transmitted. Thereby receivers will receive a garbled signal. The receiver that has the pseudo noise (PN) code sequence can use it to clean up the signal and get the original data.

In contrast, the claimed invention transmits the actual data, but the data is transmitted in bits and pieces at times determined by a pseudo random number generator, which the receiver that has the code (called the seed) can figure out the time sequence and use only the signal bits and pieces (pulse like) that are received at those times to reconstruct the data sequence. As discussed in the specification, this is good for hiding the signal in the environmental noise, thereby it would be also good for preventing anyone from finding the transmitter (in the field, for example).

The prior art cited by the Examiner discloses a method that generates the random noise and the pseudo noise (PN) code sequence is used to clean, which means that it would be very easy to find the transmitter since it is sending a continuous signal. In addition, in the claimed invention, since only randomly distributed pulses are sent, it is very difficult for anyone to zero in on and locate the transmitter since it is hard to tune to a randomly timed sequence of pulses.

With regard to the rejection of claims 1-9 under 35 U.S.C. § 102(b), a method, transmitter, receiver and system for low-detectability communication having the features

discussed above and as recited in independent claims 1 and 7-9, is nowhere disclosed in Schuermann. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"<sup>1</sup> independent claims 1 and 7-9 are not anticipated by Schuermann. Accordingly, independent claims 1 and 7-9 patentably distinguish over Schuermann and are allowable. Claims 2-6 being dependent upon claim 1 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-9 under 35 U.S.C. § 102(b).

With regard to the rejection of claims 10 and 11 under 35 U.S.C. § 103(a), Independent claims 10 and 11 are not rendered obvious by the cited references because neither the Schuermann patent nor the Poon patent, whether taken alone or in combination, teach or suggest a program storage device or computer program product having the features discussed above and recited in independent claims 10 and 11. Accordingly, claims 10 and 11 patentably distinguish over the prior art and are allowable. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 10 and 11 under 35 U.S.C. § 103(a).

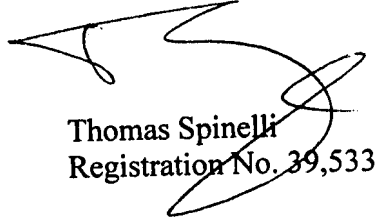
In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference

---

<sup>1</sup> Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli  
Registration No. 39,533

Omnitek Partners, LLC  
111 West Main Street  
Bayshore, New York 11706  
(631) 807-9747 (Voice)  
(631) 754-1027 (Facsimile)

TS/